

BILL NO. G-86-06-14

GENERAL ORDINANCE NO. G-

27-86

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating an alley thereof.

WHEREAS, a petition to vacate a public alley within
the City of Fort Wayne (as more specifically described
below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having
held a public hearing on said vacation as provided in
I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of
the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

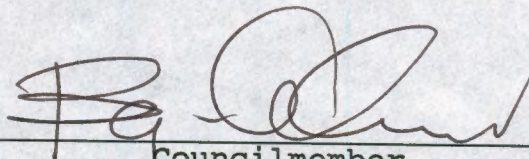
SECTION 1. That the petition filed herein to vacate a
public alley within the City of Fort Wayne, more
specifically described as follows, to-wit:

The north/south alley bounded by Wallace Street on the
north, Masterson Street on the south, the east by Lots
143, 144, 145, 146, 147 and 148 of Hamilton's Fourth
Addition and West by Lots 142 and 149 of Hamilton's
Fourth Addition, an addition to the City of Fort Wayne,
according to the plat thereof, recorded in Deed
Record 69, page 397, in the Office of the Recorder of
Allen County, Indiana.

and which vacating amends the Thoroughfare Plan of the City
Comprehensive ("Master") Plan and is hereby approved in all
respects.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary

approval by the Mayor.



Councilmember

APPROVED AS TO FORM AND LEGALITY:



BRUCE O. BOXBERGER, CITY ATTORNEY

** Public hearing to be held on _____, the
_____ day of _____, 1986, in the Council
Chambers.

Sandra E. Kennedy, City Clerk

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Resolution
seconded by Resolution, and duly adopted, read the second time
by title and referred to the Committee Resolution (and the C
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____.M.,

DATE: 6-10-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Resolution
seconded by Resolution, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 7-22-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) (GENERAL)

(SPECIAL) ~~(ZONING MAP)~~ ORDINANCE (RESOLUTION) NO. G-27-86

on the 22nd day of July, 1986

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana
on the 23rd day of July, 1986
at the hour of 11:00 o'clock A..M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 23rd day of July
1986, at the hour of 3:00 o'clock _____.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

check # 338.46

RECEIPT

No 590

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 4/1 19 86

RECEIVED FROM Tom Kelley Buick \$ 100.00

THE SUM OF One Hundred & 00/100 DOLLARS

ON ACCOUNT OF alley vacation
2000 Bl. 5. Calhoun St.

B. Steele

AUTHORIZED SIGNATURE

VACATION ORDINANCE

PETITION TO VACATE ALLEY

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The Undersigned petitioner does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the public alley within the City of Fort Wayne, Indiana, and hereby described as follows:

The north/south alley bounded by Wallace Street on the north, Masterson Street on the south, the east by Lots 143, 144, 145, 146, 147 and 148 of Hamilton's Fourth Addition and west by Lots 142 and 149 of Hamilton's Fourth Addition, an addition to the city of Fort Wayne, according to the plat thereof, recorded in Deed Record 69, page 397, in the Office of the Recorder of Allen County, Indiana.

In support thereof, your petitioner would represent as follows:

1. That we are the only owners of the real estate bordering both sides of the alley.
2. That the alley is not necessary as ingress or egress to other properties whatsoever.
3. That said alley will have similar use as that alley vacated used by Irmscher Supply Co. in the 2000 block of South Calhoun Street.
4. That no other person, firm, or corporation is interested in or affected by the requested vacation.
5. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitioner files this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioner prays that the above described alley be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 20 DAY OF MARCH, 1986

<u>B.T.S. REALITY Co. By Neal P. Meyer</u> Adjacent Property Owner's Signature	<u>TOM KELLEY BUICK INC</u> Petitioner's Signature
<u>1819 So. CALHOUN ST</u> Adjacent Property Owner's Address	<u>1819 So. CALHOUN ST.</u> Petitioner's Address
<u>B.T.S. REALITY CORP. By Neal P. Meyer, Secretary</u> Adjacent Property Owner's Signature	<u>Neal P. Meyer</u> Agent's Name & Address
<u>1819 So. CALHOUN ST</u> Adjacent Property Owner's Address	

RESOLUTION 76-75-4

WHEREAS, B.T.S. REALTY CORPORATION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

The north/south alley bounded by Wallace Street on the north, Masterson Street on the south, the east by Lots 143, 144, 145, 146, 147 and 148 of Hamilton's Fourth Addition and West by Lots 142 and 149 of Hamilton's Fourth Addition, an addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record 69, page 397, in the Office of the Recorder of Allen County, Indiana

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:
COUNTY OF ALLEN)

I, David J. Kiestler, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held July 2, 1986 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 2nd DAY OF July 1986

FORT WAYNE BOARD OF PUBLIC WORKS

David J. Kiestler
David J. Kiestler
Director of Public Works

Cosette R. Simon
Cosette R. Simon
Director of Administration & Finance

Lawrence D. Consalvos
Lawrence D. Consalvos
Director of Public Safety

RESOLUTION

WHEREAS, FORT WAYNE BIBLE COLLEGE, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley in Fort Wayne, Allen County, to-wit:

The north/south alley bounded by Wallace Street on the north, Masterson Street on the south, the east by Lots 143, 144, 145, 146, 147 and 148 of Hamilton's Fourth Addition and West by Lots 142 and 149 of Hamilton's Fourth Addition, an addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record 69, page 397, in the Office of the Recorder of Allen County, Indiana

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 16, 1986, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana:

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Melvin O. Smith, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held 23 June 1986, and as the same appears of record in the official records of said Plan Commission

DATED THIS 30 DAY OF June 1986

FORT WAYNE CITY PLAN COMMISSION

Melvin O. Smith, Secretary

Division of Community Development & Planning

BRIEF TITLE

Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

North/South alley between Wallace & Masterson.

Reason for Project

Increased parking area for Tom Kelley Buick.

Discussion (Including relationship to other Council actions)

16 June 1986 - Public Hearing

Neal Nagel, agent for the petitioner Tom Kelley Buick stated that they are requesting the vacation in order to increase their parking area. He stated that they have expanded and in doing so have eliminated some parking. He stated that by vacating this area it should add parking and help eliminate customers and employees from parking on the streets.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

23 June 1986 - Business Meeting

Motion to return the ordinance to the Common Council with a DO PASS recommendation was made, motion carried.

Of the 6 members present 5 voted in favor of approval - one (1) did not vote.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

BTS Realty Company
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation
☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to condition
 (See Details column for condition)

CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 1 April 1986

Projected Completion or Occupancy

Date 30 June 1986

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Wsch

Date

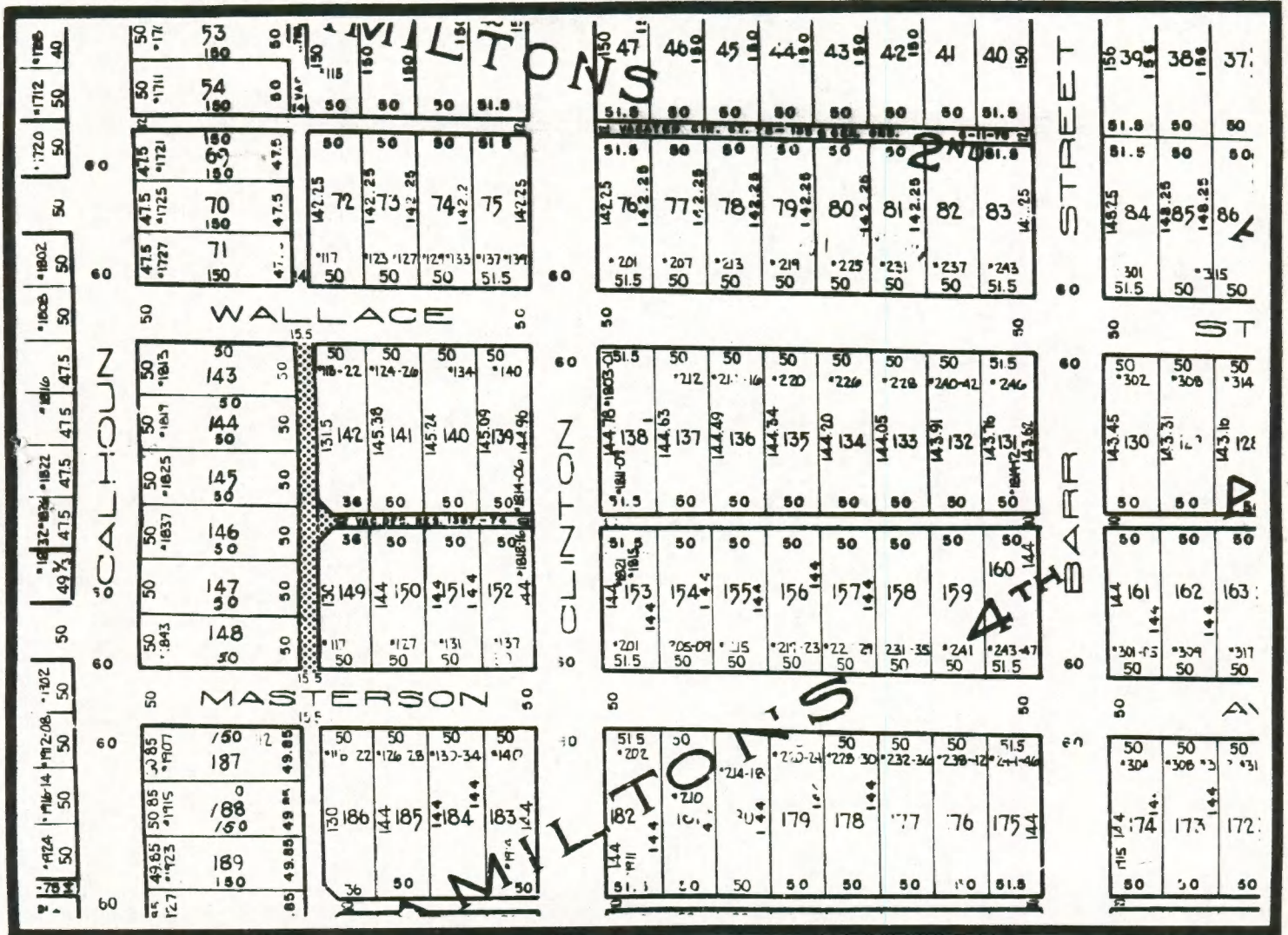
June 30, 1986

Reference or Case Number

A PETITION TO VACATE THE DESCRIBED PUBLIC ALLEY

COUNCILMANIC DISTRICT NO. 1

MAP NO. M-3



ZONING:

LAND USE:

SCALE: 1" = 200'

DATE: 5-1-86



Notified Agent:

Neal Nagel
1819 So Calhoun St
Fort Wayne, IN 02

NOTICE OF PUBLIC HEARING

You are hereby notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, May 19, 1986 at 7:00 P.M. in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana on the proposed vacation of the following described dedicated right-of-way.

1. ALLEY VACATION

The north/south alley bounded by Wallace Street on the north, Masterson Street on the south, the east by Lots 143, 144, 145, 146, 147 and 148 of Hamilton's Fourth Addition and West by Lots 142 and 149 of Hamilton's Fourth Addition, an addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record 69, page 397, in the Office of the Recorder of Allen County, Indiana.

2. ALLEY VACATION

Part of Volney Park Subdivision of the North Part of Lillie's Out Lot #31 to the City of Fort Wayne, Indiana, more particularly described as follows:

Beginning at the Northwest corner of Lot #14 Volney Park Subdivision, said point being on the East right-of-way line of Winter Street; thence East along the North line of Lot #14, Lot #13 and the North line of vacated Tam Street, a distance of 275.0 feet; thence North along the East line of Lot #12 projected North, a distance of 12 feet to the Southeast corner of Lot #8 in Simon's Addition; thence West along the South line of Lot #8, #9, #10, #11, #12, and #13, in Simon's Addition, a distance of 275 feet to the Southwest corner of Lot #13 in Simon's Addition, said point also being on the East right-of-way line of Winter Street; thence South along said East right-of-way line, a distance of 12.0 feet to the point of beginning, containing 0.08 acres.

3. FORMER NORTH APPROACH TO GAY STREET BRIDGE

All that part of the right-of-way of Gay Street which lies between the South right-of-way line of Hayden Street and the North right-of-way line of the Norfolk & Western Railroad in the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot #236 in Eliza Hanna Senior's Addition to the City of Fort Wayne, the plat of which is recorded in Deed Record 60, pages 262 and 263 in the Office of the Recorder of Allen County, Indiana; thence West, on and along the Westerly projection of the South right-of-way line of Hayden Street, a distance of 50.04 feet to the Northeast corner of Lot #238 in said Eliza Hanna Senior's Addition; thence



The City of Fort Wayne

July 9, 1986

Neal Nagel
1819 South Calhoun Street
Fort Wayne, IN 46802

NOTICE OF PUBLIC HEARING BILL NO. G-86-06-14

You are hereby notified that the Common Council of Fort Wayne, Indiana, will conduct a public hearing on Tuesday, July 22, 1986, at 7:00 P.M. (EST) in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana on the following:

ALLEY VACACTION:

The north/south alley between Wallace & Masterson. Increased parking area for Tom Kelly Buick.

All interested parsons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

An Equal Opportunity Employer

One Main Street, Fort Wayne, Indiana 46802

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-86-06-14

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, July 22, 1986, at 7:00 P.M., (EST), in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

REGARDING: North/South alley between Wallace & Masterson.
Increased parking area for Tom Kelly Buick

ALLEY VACATION

The north/south alley bounded by Wallace Street on the north, Masterson Street on the south, the east by Lots 143, 144, 145, 146, 147 and 148 of Hamilton's Fourth Addition and West by Lots 142 and 149 of Hamilton's Fourth Addition, an addition to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record 69, page 397, in the Office of the Recorder of Allen County, Indiana.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk



The City of Fort Wayne

July 9, 1986

Ms. Cynthia Wilkins
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Wilkins:

Please give the attached full coverage on the date of July 12, 1986, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-86-06-14
Alley Vacation

Bill No. G-86-06-11
Replatting of Cove Court

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 2

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

3

20

3

26

COMPUTATION OF CHARGES

26 lines, 1 columns wide equals 26 equivalent lines at .300¢ \$ 7.80
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00

TOTAL AMOUNT OF CLAIM

\$ 8.80

DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 1

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date July 12 19 86

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the
undersigned Drusilla Roose who, being duly sworn, says
that he/she is CLERK of theJOURNAL-GAZETTEDAILY

a newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA
town

in state and county aforesaid, and that the printed matter attached hereto is a true copy,

which was duly published in said paper for one time the dates of publication being

as follows:

7/12/86Subscribed and sworn to me before this 12th day of July 19 86*Shelley R. LaRue*
Shelley R. LaRue Notary PublicMy commission expires March 3, 1990NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-86-06-14

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All interested parties are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Fort Wayne Common Council
(Governmental Unit)
Allen
County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date July 12, 1986

Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says

that he/she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows:

7/12/86

Subscribed and sworn to me before this 12th day of July 1986

Shelley R. LaRue Notary Public

My commission expires March 3, 1990

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-86-06-14

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All interested parties are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

ORIGINAL

Admn. Appr. _____

ORIGINAL

COUNCILMANIC DISTRICT No. 1

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

2-86-06-14

SYNOPSIS OF ORDINANCE N/S alley bounded by Masterson & Wallace

EFFECT OF PASSAGE Property is now dedicated public right-of-way. Property
will be vacated and revert to adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. G-86-06-14

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating an alley
thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

~~RESOLUTION~~

YES

NO

BEN A. EISBART
CHAIRMAN

DANET G. BRADBURY
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN _____

SANDRA E. KENNEDY
CITY CLERK